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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**
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9 Trustees of the Operating Engineers Pension
10 Trust et al.,

11 Plaintiffs

12 v.

13 Peek Construction Co. et al.,

14 Defendants
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Case No.: 2:12-cv-00333-JAD-NJK

**Order Striking Answer and
Granting Motion for Entry of
Clerk's Default**

16 Defendant, Peek Construction Co., answered in this action and was represented by
17 counsel until the court granted counsel's motion to withdraw on February 6, 2013. Doc. 37.
18 The Court gave Peek Construction until February 25, 2013, to advise the Court if it was
19 going to retain new counsel, and it was advised that a fictional entity may appear in federal
20 court only through licensed counsel. *Id.* Peek did not retain a new attorney, and Plaintiff has
21 moved for default and default judgment. Doc. 46; Doc. 48. On October 18, 2013, this Court
22 gave Peek Construction until November 15, 2013, to retain counsel, have new counsel file an
23 appearance on Peek Construction's behalf AND to show cause why Peek Construction's
24 answer should not be stricken, default entered, and a default judgment awarded. Peek
25 Construction was cautioned that it had already violated this Court's February 6, 2013, Order,
26 and failure to comply with the October 18th Order would result in Peek Construction's
27 answer being stricken, a default entered, and a potential default judgment being awarded.
28 Peek has done nothing in response to that Order.

1 Accordingly, IT IS HEREBY ORDERED THAT the portion of the joint Answer
2 [#17] attributable to Peek Construction is hereby STRICKEN, the Motion for Entry of
3 Default against Peek Construction [#46] is **GRANTED**, and the Clerk of Court is instructed
4 to enter default against Defendant Peek Construction forthwith.

5 December 6, 2013.

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9 JENNIFER A. DORSEY
10 UNITED STATES DISTRICT JUDGE
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